

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

R.M.S. TITANIC, INC.,
successor-in-interest to
Titanic Ventures, limited partnership,
Plaintiff,

v.

Civil Action No. 2:93cv902

THE WRECKED AND ABANDONED VESSEL,
ITS ENGINES, TACKLE, APPAREL,
APPURTENANCES, CARGO, ETC., LOCATED
WITHIN ONE (1) NAUTICAL MILE OF A POINT
LOCATED AT 41 43/ 32' NORTH LATITUDE
AND 49 56' 49" WEST LONGITUDE,
BELIEVED TO BE THE R.M.S. TITANIC
in rem,

Defendant.

**PERIODIC REPORT ON THE PROGRESS OF RESEARCH AND RECOVERY
OPERATIONS**

NOW COMES Plaintiff, R.M.S. Titanic, Inc. ("RMST" or the "Company"), by counsel, and files this Periodic Report of R.M.S. Titanic, Inc. on the Progress of Research and Recovery Operations ("Periodic Report").

I. 2024 Expedition.

On June 13, 2023, RMST filed a Periodic Report in which it stated its intention to conduct a research and recovery expedition to Titanic in or around May 2024 ("Expedition 2024"). ECF No. 686. The Company reported the objectives of Expedition 2024 to include targeted artifact recovery of items in the debris field; penetration of the hull through existing openings; and potential recovery of free-standing objects inside the wreck provided such objects are not affixed to the wreck. *Id.*

Five days later, on Sunday June 18, 2023 a submersible owned and operated by OceanGate Expeditions suffered a catastrophic failure while diving the wreck of TITANIC. All five

passengers on board perished including the Company's Director of Underwater Research, Paul Henri Nargeolet. P.H. Nargeolet was to have led Expedition 2024 and the efforts to recover artifacts. The United States Coast Guard is now conducting a Marine Board of Investigation to determine, among other things, whether there is need for new laws or regulations, or amendment or repeal of existing laws or regulations, to prevent the recurrence of the casualty.

On August 25, 2023, the United States filed its Unopposed Motion to Intervene, and attached as Exhibit 1 to that motion Intervenor's Verified Complaint for Declaratory and Injunctive Relief. ECF 691 and 69-1. In its proposed Complaint, the United States seeks to protect its purported interests in the proper application and implementation of Section 113 of the Consolidated Appropriations Act, 2017, Pub. L. No. 115-31 (May 5, 2017) ("Sec. 113"); to determine the scope of the Company's salvage activities, liabilities, and obligations under federal law; to ensure the Company's compliance with Sec. 113, and to ensure the United States' ability to comply with its purported obligations under federal law and the Agreement Concerning the Shipwrecked Vessel R.M.S. Titanic and its Annex Rules. *Id.* at pp. 1-2. In Count I of the proposed Complaint, the United States seeks a declaratory judgment clarifying the applicability of Sec. 113's requirements to RMST in this admiralty proceeding, affording relief to the Company and the United States and to "provide the protection to *Titanic* that Congress has mandated." *Id.* at p. 12. In Count II, the United States seeks an order from this Court enjoining RMST from conducting, "any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS *Titanic*' unless and until it has obtained an authorization for such activity from the Secretary of Commerce." *Id.* at 13. A hearing on the United States' Unopposed Motion to Intervene is scheduled for Friday October 13, 2023.

Following the Titan tragedy, the Company has decided to alter its plans for Expedition 2024 such that it will neither recover artifacts on this expedition nor conduct any other activity that would physically alter or disturb the wreck or wreck site of the RMS Titanic. The Company now plans only to conduct imaging at the wreck site in Expedition 2024. Out of respect for P.H. Nargeolet and his family, and the other four people who perished so recently at the site, and their families, the Company has decided that artifact recovery would not be appropriate at this time.

Under these circumstances, the Company has opted to not send another manned submersible to the site until further investigation takes place regarding the cause of the tragedy.¹ Moreover, and as the Court knows, Mr. Nargeolet was the Company's most knowledgeable expert regarding the wreck site and its condition and was to lead the expedition as he had done so many times previously. The Company takes its responsibility seriously and will resume its artifact recovery efforts when it is satisfied that it will bring sufficient expertise to bear on its efforts.

In light of the OceanGate tragedy and the ongoing investigation, the Company intends to only conduct imaging and additional survey work in Expedition 2024 to further refine its targets for future artifact recovery work; but it will not recover artifacts at this time, nor conduct other activity that would physically alter or disturb the wreck or wreck site.

¹ Utilizing a remotely operated vehicle in lieu of a manned submersible would have been another option for the Company when preparing to recover artifacts, but the Company has elected that the proximity to the tragedy compels its decision to forgo artifact recovery at this time regardless of the technology to be utilized.

Respectfully submitted,

RMS TITANIC, INC.

By Counsel:

/s/ Brian A. Wainger

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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2023, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Brian A. Wainger
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